

FILED '08 APR 22 14:17 USDC-ORP

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CORNELIUS PESTES and RUTH PESTES,
husband and wife; **THE PESTES FAMILY**
LLC, an Oregon limited liability company;
LARRY PESTES; and **RED BUD FARMS**
LLC, an Oregon limited liability company,

Plaintiffs,

v.

LOUIS HAMILTON and KAREN
HAMILTON, husband and wife; **SEPCO**, an
Oregon corporation; **ALEX MAUCK SEPTIC**
& DRAINAGE, INC., an Oregon corporation;
SPEEDY SEPTIC AND ROOTER SERVICE,
an Oregon corporation; **WEBSTER'S SEPTIC**
TANK SERVICE, INC., an Oregon
corporation; **GRIFF'S SEPTIC SERVICE**, an
Oregon corporation,

Defendants.

Civil No. 3:08-CV-0463-HA

**TEMPORARY RESTRAINING
ORDER**

After hearing oral argument in which Plaintiffs were represented by attorney Michael Haglund and Defendants were represented by attorney Brooks Foster, and based upon the record herein including the verified Complaint, Motion for Temporary Restraining Order, plaintiffs' supporting memorandum of law, and the declarations of Cornelius Pestes and Michael B. Bonoff,

:::

:::

Page 1 - **TEMPORARY RESTRAINING ORDER**

HAGLUND KELLEY HORNGREN JONES & WILDE, LLP
ATTORNEYS AT LAW
ONE MAIN PLACE
101 SW MAIN STREET, SUITE 1800
PORTLAND, OREGON 97204-3226

F:\MEH\io18806.wpd

IT IS HEREBY ORDERED that, with regard to the real property owned by Louis and Karen Hamilton in Clackamas County, Oregon and bearing the address of 15490 SE 262nd, Boring, Oregon: (1) Defendants are temporarily restrained from discharging septage of any kind (treated or untreated); (2) Plaintiffs' motion for a temporary restraining order is denied to the extent that it requests an injunction against any and all receiving, storage, and treatment of septage; and (3) Defendants may continue receiving, storing, and treating septage provided that all storage and treatment take place in fully or partially enclosed containers. Defendants are further ordered to show cause why this Temporary Restraining Order should not be converted into a preliminary injunction, which shall be heard on April 29, 2008 at 1:30 pm before Judge Ancer L. Haggerty.

DATED this 22 day of April, 2008.



HON. MICHAEL W. MOSMAN
U.S. DISTRICT COURT JUDGE